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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CAPITOL RECORDS, INC., CAROLINE
RECORDS, INC., EMI CHRISTIAN MUSIC
GROUP INC., PRIORITY RECORDS LLC, VIRGIN)
RECORDS AMERICA, INC., BEECHWOOD
MUSIC CORP., COLGEMS-EMI MUSIC INC., EMI)
APRIL MUSIC INC., EMI BLACKWOOD MUSIC,)
EMI FULL KEEL MUSIC, EMI GOLDEN TORCH)
MUSIC CORP., EMI LONGITUDE MUSIC, EMI)
VIRGIN MUSIC, INC., EMI VIRGIN SONGS, INC.,)
EMI AL GALLICO MUSIC CORP., EMI ALGEE)
MUSIC CORP., EMI FEIST CATALOG, INC., EMI)
GOLD HORIZON CORP., EMI GROVE PARK)
MUSIC, INC., EMI HASTINGS CATALOG, INC.,)
EMI MILLS MUSIC, INC., EMI MILLER)
CATALOG, INC., EMI ROBBINS CATALOG,)
INC., EMI U CATALOG, INC., EMI UNART)
CATALOG, INC., JOBETE MUSIC CO., INC.,)
SCREEN GEMS-EMI MUSIC, INC., STONE)
AGATE MUSIC, and STONE DIAMOND MUSIC,)

Plaintiffs,

v.

MP3TUNES, INC., and MICHAEL ROBERTSON,

Defendants.

CIVIL ACTION NO. 07 Civ. 9931(WHP)
ECF Case

**SUPPLEMENTAL DECLARATION
OF EDWARD M. CRAMP
IN SUPPORT OF MOTION TO
WITHDRAW AS COUNSEL**

I, Edward M. Cramp, hereby declare:

1. I am a partner at the law firm Duane Morris LLP (Duane Morris”), attorneys for defendants MP3tunes, Inc. (“MP3tunes”) and Michael Robertson (“Robertson”) (collectively, “Defendants”). I respectfully submit this declaration to ensure that, after reading the e-mail that Mr. Robertson sent to the Court earlier today, the Court is not left with any misimpression about whether Duane Morris has discharged, and will continue to discharge, its professional responsibilities.

2. In his email, Mr. Robertson states that he has asked Duane Morris if we will argue the pending motion for summary judgment for Mr. Robertson (“Robertson”) and then states, “they have indicated they will not do so unless I pay invoices due to them from MP3tunes.” He is mistaken.

3. In accordance with our professional obligations, and as we have advised Mr. Robertson on several occasions, including as late as July 9, 2012 in writing, Duane Morris will represent Mr. Robertson until we are relieved as counsel, either by Court order or because Mr. Robertson has retained substitute counsel.

4. In his email to the Court dated today, Mr. Robertson stated that he was “not aware of any request by Duane Morris for a brief continuance of all dates.” In actuality, we made Mr. Robertson aware of the fact that we would and did request a continuance from the Court, as stated in Duane Morris’s Motion to Withdraw as Counsel. In addition, Mr. Robertson was served with a copy of that Motion and has read it, as evidenced by his references to the Motion in his email to the Court.

5. The discrepancies between Mr. Robertson’s and Duane Morris’s representations to the Court regarding their communications demonstrates that there has been a significant

erosion of the attorney-client relationship and thus provides further justification for why this Court should grant Duane Morris's motion to withdraw as counsel.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: July 16, 2012
San Diego, CA

By:


Edward M. Cramp

DM13428513.1

CERTIFICATE OF SERVICE

I hereby certify that I caused a copy of the Supplemental Declaration of Edward M. Cramp in Support of Motion to Withdraw as Counsel to be served by First-Class mail and electronic mail this 16th day of July, 2012:

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/s/ R. Terry Parker
